

## STATE OF LOUISIANA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

## IN THE MATTER OF:

ST MARY PARISH WATER AND SEWER  
 COMMISSION No. 1  
 ST. MARY PARISH  
 ID No. LA0033006

PROCEEDINGS UNDER THE LOUISIANA  
 ENVIRONMENTAL QUALITY ACT  
 LA. R.S. 30:2001, ET SEQ.

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 \* TRACKING NUMBER:  
 \* WE-CN-00-0180  
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 \* AGENCY INTEREST NUMBER: 1255  
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## SETTLEMENT

The following Settlement is hereby agreed to between St. Mary Parish Water and Sewer Commission Number 1 (Respondent) and the Department of Environmental Quality, (Department), under authority granted by the Louisiana Environmental Quality Act, LSA- R.S. 30:2001, et seq., (the "Act").

## I.

Respondent owns and operates a sewage treatment plant on U.S. Highway 90 and Lake Palourde Bypass Road in Amelia, St. Mary Parish, Louisiana.

## II.

The allegations which form the basis of the enforcement action(s) are:

A. On or about July 24, 2001, the Respondent was issued a Consolidated Compliance Order and Notice of Potential Penalty WE-CN-00-0180 based on an inspection by the Department on or about February 21, 2000, that revealed the Respondent's flow meter was inoperable in violation of LWDPs permit WP0395 (Part III, Sections A.1, B.1, C.2) La. R.S. 30:2076 (A) (3). LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33.2355.J.4.

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B. On or about July 24, 2001, the Respondent was issued a Consolidated Compliance Order and Notice of Potential Penalty WE-CN-00-0180 based on an inspection by the Department on or about February 21, 2000, that revealed sampling and monitoring deficiencies as follows:

1. Respondent was exceeding its holding times for pH.
2. Unsterilized containers were being used to collect fecal coliform samples.

These sampling and monitoring deficiencies are in violation of LWDPS permit WP0395 (Part III, Sections A.1 and C.4) La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33.2355.J.4.

C. On or about July 24, 2001, the Respondent was issued Consolidated Compliance Order and Notice of Potential Penalty WE-CN-00-0180 based on an inspection by the Department on or about February 21, 2000. The inspection revealed the Respondent failed to increase its sampling frequency as required by LWDPS permit WP0395. Failure to increase sampling frequency is a violation of LWDPS permit WP0395 (Part I, page 3 and Part III Section A.1) La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2355.A.

D. On or about July 24, 2001, the Respondent was issued Consolidated Compliance Order and Notice of Potential Penalty WE-CN-00-0180 based on a file review on or about July 2, 2001. The file review revealed that Respondent failed to submit noncompliance reports. Failure to submit noncompliance reports is a violation of LWDPS permit WP0395 (Part III, Sections A.1 and D.5.c) La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33.2355.I.7.

E. Further review conducted by the Department on or about July 2, 2001, revealed the following effluent violations:

Monitoring Period	Parameter	Permit Limit	Sample Value
01/01	BOD <sub>5</sub> (avg)	10 mg/L	13 mg/L
	BOD <sub>5</sub> (avg)	54.2 lbs/day	67 lbs/day
	TSS (max)	23 mg/L	34 mg/L
	TSS (avg)	15 mg/L	24 mg/L
	TSS (avg)	81.3 lbs/day	129 lbs/day
11/00	BOD <sub>5</sub> (max)	15.0 mg/L	16 mg/L
	TSS (max)	23.0 mg/L	41 mg/L
	TSS (avg)	15.0 mg/L	24 mg/L
10/00	BOD <sub>5</sub> (max)	15.0 mg/L	29 mg/L
	BOD <sub>5</sub> (avg)	10.0 mg/L	17 mg/L
	TSS (max)	23.0 mg/L	51 mg/L
	TSS (avg)	15.0 mg/L	43 mg/L
	TSS (avg)	81.3 lbs/day	89.3 lbs/day
09/00	TSS (max)	23.0 mg/L	60.0 mg/L
	TSS (avg)	15.0 mg/L	41.0 mg/L
	TSS (avg)	81.3 lbs/day	99.1 lbs/day
	BOD <sub>5</sub> (max)	15.0 mg/L	43.0 mg/L
	BOD <sub>5</sub> (avg)	10.0 mg/L	21.0 mg/L
	Fecal Coliform (max)	400 colonies/100 ml	1,200 colonies/100 ml
08/00	TSS (max)	23.0 mg/L	52.0 mg/L
	TSS (avg)	15.0 mg/L	46.0 mg/L
	TSS (avg)	81.3 lbs/day	137.9 lbs/day
	BOD <sub>5</sub> (max)	15.0 mg/L	19.0 mg/L
	BOD <sub>5</sub> (avg)	10.0 mg/L	13.0 mg/L
	Fecal Coliform (max)	400 colonies/100 ml	1,000 colonies/100 ml
	Fecal Coliform (avg)	200 colonies/100 ml	286 colonies/100 ml
07/00	TSS (max)	23.0 mg/L	42.0 mg/L
	TSS (avg)	15.0 mg/L	40.0 mg/L
	TSS (avg)	81.3 lbs/day	142.2 lbs/day
	BOD <sub>5</sub> (max)	15.0 mg/L	23.0 mg/L
	BOD <sub>5</sub> (avg)	10.0 mg/L	15.0 mg/L
	Fecal Coliform (max)	400 colonies/100 ml	1,000 colonies/100 ml

Monitoring Period	Parameter	Permit Limit	Sample Value
06/00	TSS (max)	23.0 mg/L	54.0 mg/L
	TSS (avg)	15.0 mg/L	48.0 mg/L
	TSS (avg)	81.3 lbs/day	100.4 lbs/day
	BOD <sub>5</sub> (max)	15.0 mg/L	23.0 mg/L
	BOD <sub>5</sub> (avg)	10.0 mg/L	17.0 mg/L
	Fecal Coliform (max)	400 colonies/100 ml	1,000 colonies/100 ml
	Fecal Coliform (avg)	200 colonies/100 ml	316 colonies/100 ml
05/00	TSS (max)	23.0 mg/L	42.0 mg/L
	TSS (avg)	15.0 mg/L	32.0 mg/L
	BOD (avg)	10 mg/L	11 mg/L
11/99	TSS (max)	23.0 mg/L	30.0 mg/L
	TSS (avg)	15.0 mg/L	23.0 mg/L
10/99	TSS (max)	23.0 mg/L	30.0 mg/L
	TSS (avg)	15.0 mg/L	26.0 mg/L
	TSS (avg)	81.3 lbs/day	89.0 lbs/day
09/99	TSS (max)	23.0 mg/L	43.0 mg/L
	TSS (avg)	15.0 mg/L	38.0 mg/L
	TSS (avg)	81.3 lbs/day	113.8 lbs/day
	BOD <sub>5</sub> (max)	15.0 mg/L	24.0 mg/L
	BOD <sub>5</sub> (avg)	10.0 mg/L	19.0 mg/L
	BOD <sub>5</sub> (avg)	54.2 lbs/day	57.1 lbs/day
	Fecal Coliform (max)	400 colonies/100 ml	1,000 colonies/100 ml
08/99	TSS (max)	23.0 mg/L	28.0 mg/L
	TSS (avg)	15.0 mg/L	25.0 mg/L
	Fecal Coliform (max)	400 colonies/100 ml	660 colonies/100ml
07/99	TSS (max)	23.0 mg/L	27.0 mg/L
	TSS (avg)	15.0 mg/L	25.0 mg/L
06/99	TSS (max)	23.0 mg/L	67.0 mg/L
	TSS (avg)	15.0 mg/L	52.0 mg/L
	TSS (avg)	81.3 lbs/day	128.5 lbs/day
	BOD <sub>5</sub> (max)	15.0 mg/L	18.0 mg/L
	BOD <sub>5</sub> (avg)	10.0 mg/L	16.0 mg/L

Monitoring Period	Parameter	Permit Limit	Sample Value
05/99	TSS (max)	23.0 mg/L	54.0 mg/L
	TSS (avg)	15.0 mg/L	38.0 mg/L
04/99	TSS (max)	23.0 mg/L	72.0 mg/L
	TSS (avg)	15.0 mg/L	57.0 mg/L
	TSS (avg)	81.3 lbs/day	132.8 lbs/day
	BOD <sub>5</sub> (max)	15.0 mg/L	21.0 mg/L
	BOD <sub>5</sub> (avg)	10.0 mg/L	17.0 mg/L
03/99	TSS (max)	23.0 mg/L	56.0 mg/L
	TSS (avg)	15.0 mg/L	41.0 mg/L
	TSS (avg)	81.3 lbs/day	110.0 lbs/day
	BOD <sub>5</sub> (max)	15.0 mg/L	21.0 mg/L
	BOD <sub>5</sub> (avg)	10.0 mg/L	15.0 mg/L
02/99	TSS (max)	23.0 mg/L	64.0 mg/L
	TSS (avg)	15.0 mg/L	51.0 mg/L
	TSS (avg)	81.3 lbs/day	116.4 lbs/day
	BOD <sub>5</sub> (max)	15.0 mg/L	42.0 mg/L
	BOD <sub>5</sub> (avg)	10.0 mg/L	23.0 mg/L
01/99	TSS (max)	23.0 mg/L	40.0 mg/L
	TSS (avg)	15.0 mg/L	25.0 mg/L
	BOD <sub>5</sub> (max)	15.0 mg/L	24.0 mg/L
	BOD <sub>5</sub> (avg)	10.0 mg/L	16.0 mg/L

These excursions are violations of LWDPs permit WP0395 (Part I, Part III, Section A.1), La. R.S. 30:2076 (A)(1)(a), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2355.A.

### III.

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

## IV.

Nonetheless, the Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a single payment in the amount of Eight Thousand and No/100 Dollars (\$8,000.00), of which Three Hundred and Eighty and No/100 Dollars (\$380.00) are Enforcement Costs, in settlement of the claims set forth in this agreement.

## V.

Respondent further agrees that the Department may consider the inspection report(s), Compliance Orders, the Notice of Potential Penalty and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action the Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

## VI.

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in LSA- R. S. 30:2025(E) of the Act and the rules relating to beneficial environmental projects set forth in LAC 33:I.Chapter 25.

## VII.

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in St. Mary Parish. The advertisement, in form, wording, and size approved by the Department, announced the availability of this settlement for public view

and comment and the opportunity for a public hearing. Respondent has submitted a proof-of-publication affidavit to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

VIII.

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Penalties are to be made payable to the Department of Environmental Quality and mailed to the attention of Darryl Serio, Office of Management and Finance, Department of Environmental Quality, Post Office Box 82231, Baton Rouge, Louisiana, 70884-2231.

IX.

In consideration of the above, any claims for penalties are hereby compromised and settled in accordance with the terms of this Settlement.

X.

The person signing for the Respondent and the Department both represent that they have the requisite authority to sign for the party.

WITNESSES:

David J. Forby

Ann Hebert

RESPONDENT

ST. MARY PARISH WATER & SEWER  
COMMISSION #1

P. O. BOX 309  
AMELIA, LA 70340

BY:

NAME:

TITLE:

Robert H. Vernet

President

THUS DONE AND SIGNED before me this 9<sup>th</sup> day of Aug., 2002, at  
10:00 O'clock Am.

Tracy V. Dewal  
NOTARY PUBLIC

WITNESSES:

Wesley Smith

W. J. Wood

STATE OF LOUISIANA

J. Dale Givens, Secretary

Dept. of Environmental Quality

BY:

R. Bruce Hammatt  
R. Bruce Hammatt, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED before me this 23<sup>rd</sup> day of September, 2002, in  
Baton Rouge, Louisiana.

[Signature]  
NOTARY PUBLIC

Approved:

R. Bruce Hammatt  
R. Bruce Hammatt, Assistant Secretary